

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DONALD ALLEN CAVES

PETITIONER

v.

CAUSE NO. 1:16CV353-LG-JCG

MARSHALL FISHER

RESPONDENT

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING PETITIONER'S HABEAS CORPUS PETITION**

BEFORE THE COURT is the [9] Report and Recommendation entered by United States Magistrate Judge John C. Gargiulo. Judge Gargiulo recommends that the habeas corpus petition filed by the petitioner Donald Allen Caves should be dismissed with prejudice. The record reflects that Cave received a copy of the Report and Recommendation on June 25, 2018, but Caves has not filed an objection to the Report and Recommendation.

Where no party has objected to the Magistrate Judge's report and recommendation, the Court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made.") In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having conducted the required review, the Court finds that Judge Gargiulo's Report and Recommendation is neither clearly erroneous nor contrary to law.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the [9] Report

and Recommendation entered by United States Magistrate Judge John C. Gargiulo is **ADOPTED** as the opinion of the Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that the habeas corpus petition filed by the petitioner Donald Allen Caves is **DISMISSED WITH PREJUDICE**.

SO ORDERED AND ADJUDGED this the 23rd day of July, 2018.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE